

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

Claims 1-9 (canceled).

1 ~~10~~. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid;

detecting the malignant tumor using NMR; and

administering an effective amount of said 5-aminolevulinic acid or derivative thereof, in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid, to kill said malignant tumor.

2 ~~11~~. (previously presented): The method of claim ~~10~~ wherein said 5-aminolevulinic acid or derivative thereof is used in combination with a diagnostically acceptable carrier.

~~3~~ ³ 12. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of a 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid to thereby accumulate the carbon isotope and/or the nitrogen isotope in the malignant tumor;

detecting the carbon and/or the nitrogen isotope using NMR to thereby identify the position of the malignant tumor; and

administering an effective amount of said 5- aminolevulinic acid or a derivative thereof, in which at least one carbon atom of said 5- aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5- aminolevulinic acid, to kill said malignant tumor.

~~4~~ ³ 13. (previously presented): The method of claim ~~12~~ ³, wherein the malignant tumor is detected and treated in a living host.

~~5~~ ¹ 14. (previously presented): The method of claim ~~10~~ ¹, wherein the killing of said malignant tumor is by a photokinetic method.

~~6~~ ³ 15. (previously presented): The method of claim ~~12~~ ³, wherein the killing of said malignant tumor is by a photokinetic method.

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Claim 16. (canceled).

Claim 17. (canceled).

7 ~~18~~. (previously presented): The method of claim ~~10~~¹, wherein the carbon isotope is used and it is the ^{13}C or ^{14}C isotope.

8 ~~19~~. (previously presented): The method of claim ~~18~~⁷, wherein the carbon isotope is used and it is the ^{13}C isotope and the NMR is ^{13}C -NMR.

9 ~~20~~. (previously presented): The method of claim ~~12~~³, wherein the carbon isotope is used and it is the ^{13}C or ^{14}C isotope.

10 ~~21~~. (previously presented): The method of claim ~~20~~⁹, wherein the carbon isotope is used and it is the ^{13}C isotope and the NMR is ^{13}C -NMR.

11 ~~22~~. (currently amended): The method of claim ~~10~~¹, wherein the nitrogen isotope is used and it is the ^{13}N -or- ^{15}N isotope.

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23. (previously presented): The method of claim 22, wherein the nitrogen isotope is the ^{15}N isotope and the NMR is ^{15}N -NMR.

12 ~~24~~. (currently amended): The method of claim ~~12~~³, wherein the nitrogen isotope is used and it is the ^{13}N -or- ^{15}N isotope.

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25. (previously presented): The method of claim 24, wherein the nitrogen isotope is the ^{15}N isotope and the NMR is ^{15}N -NMR.

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Claim 26. (canceled).

Claim 27. (canceled).

¹³~~28~~. (previously presented): The method of claim ¹~~10~~, wherein said derivative is used and said derivative is the ester.

¹⁴~~29~~. (previously presented): The method of claim ³~~12~~, wherein said derivative is used and said derivative is the ester.

¹⁵~~30~~. (previously presented): The method of claim ¹~~10~~, wherein said derivative is used and said derivative is the amide.

¹⁶~~31~~. (previously presented): The method of claim ³~~12~~, wherein said derivative is used and said derivative is the amide.

¹⁷~~32~~. (previously presented): The method of claim ¹~~10~~, wherein said derivative is used and said derivative is the salt.

¹⁸~~33~~. (previously presented): The method of claim ³~~12~~, wherein said derivative is used and said derivative is the salt.

¹⁹~~34~~. (previously presented): The method of claim ¹~~10~~, wherein said derivative is used and said derivative is the hydrate.

²⁰~~35~~. (previously presented): The method of claim ³~~12~~, wherein said derivative is used and said derivative is the hydrate.

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~~21~~ 36. (previously presented): The method of claim ~~10~~¹, wherein said derivative is used and said derivative is the solvate.

~~22~~ 37. (previously presented): The method of claim ~~12~~³, wherein said derivative is used and said derivative is the solvate.

~~23~~ 38. (previously presented): The method of claim ~~10~~¹, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.

~~24~~ 39. (previously presented): The method of claim ~~12~~³, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.

~~25~~ 40. (previously presented): The method of claim ~~10~~¹, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.

~~26~~ 41. (previously presented): The method of claim ~~12~~³, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.

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~~27~~
~~42.~~ (previously presented): The method of claim ~~10~~¹, wherein said malignant tumor exists in a deep region of tissue.

~~28~~
~~43.~~ (previously presented): The method of claim ~~10~~³, wherein said malignant tumor exists in a deep region of tissue.

Claim 44. (canceled).

Claim 45. (canceled).

~~29~~
~~46.~~ (previously presented): The method of claim ~~10~~¹, wherein the malignant tumor is detected and treated in a living host.